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REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

Status of Claims

Claims 1-36 have been rejected. Claims 1, 3-4, 6-14, 16-28 and 30-36 remain pending in the application. Claims 1, 3, 6, 14, 16, 22, 25, 27, 28 and 30 have been amended. Claims 2, 5, 15 and 29 have been cancelled without disclaimer or prejudice in order to advance this case to issuance. Applicants reserve all rights to file continuation applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

Allowable Subject Matter

Applicants wish to thank the Examiner for indicating that claim 5 contains allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicant has amended independent claim 1 to include the elements of claims 2 and 5 and has cancelled these claims. Accordingly, Applicants respectfully submit that claim 1 is likewise allowable. Further, Applicants has amended all the other independent claims to include similar elements indicated by the Examiner as allowable. Accordingly, it is believed that amended independent claims 14, 22, 25 and 28 are allowable.

Claim Objections

In the Office Action, the Examiner objected to claims 6 and 27 because of alleged informalities. The claims have been amended according to the Examiner's suggestions. Accordingly, Applicants request withdrawal of the objections.

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CLAIM REJECTIONS

35 U.S.C. § 102 Rejection base on Fulghum

In the Office Action, the Examiner rejected claims 1-4, 6, 7, 10, 22, 24, 25 and 27-32 under 35 U.S.C. § 102(e), as being anticipated by Fulghum et al. (US 6,580,930).

Applicants have amended claim 1 to include allowable claim 5 in order to advance this case to issuance. Likewise, in order to advance this case to issuance claims 22, 25 and 28 have been amended to include the elements of allowable claim 5. It is believed that the rejection can nevertheless be traversed as explained in the previous response.

Amended independent claims 1 and 28 recite

the selection of the detection algorithm is based on a predetermined selection criterion associated with a chosen mode of operation, such that if the performance mode of operation is chosen, said controller is to activate at least two of said sub-detectors substantially simultaneously.

Similarly, amended independent claim 22 recites "such that if the performance mode of operation is chosen, at least two sub-detectors of the detector are activated substantially simultaneously" and amended independent claim 25 recites "such that if the performance mode of operation is chosen, at least two sub-detectors of a detector implementing the detection algorithms are activated substantially simultaneously".

It is respectfully submitted that Fulghum et al does not teach or fairly suggest at least the above recited elements of the claims.

Claims 2 and 29 were cancelled and therefore the rejection of these claims is now moot.

Each of claims 3, 4, 6, 7, 10, 24, 27, and 30-36 depends, directly or indirectly, from one of independent claims 1, 22, 25 and 28 and incorporates all the elements of the parent

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claim as well as additional distinguishing features. Therefore, claims 3, 4, 6, 7, 10, 24, 27, and 30-36 are allowable.

Therefore, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. § 102(e) rejections of claims 1-4, 6, 7, 10, 22, 24, 25 and 27-32.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 8 and 33 under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Acker (US 4,335,361).

Claims 9, 11, 21, 23, 26 and 34 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Yang (US 6,763,074).

Claims 12 and 35 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Wong-Lam et al. (US 5,487,085).

Claims 13 and 36 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Zak et al. (US 6,084,926).

Claims 14 – 17 and 20 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Pringle et al. (US 7,082,172).

Claim 18 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Pringle et al. (US 7,082,172) as applied to claim 17 and further in view of Acker (US 4,335,361).

Claim 19 was rejected under 35 U.S.C. § 103(a), as being unpatentable over Fulghum et al. (US 6,580,930 B1) in view of Pringle et al. (US 7,082,172) as applied to claim 17 and further in view of Yang (US 6,763,074).

In order to advance this case to issuance, claim 14 has been amended to include the elements of allowable claim 5. Amended claim 24 recites “the selection of the detection algorithm is based on a predetermined selection criterion associated with a chosen mode of operation, such that if the performance mode of operation is chosen, said controller is to activate at least two of said sub-detectors substantially simultaneously”. Accordingly, claim 14 is believed to be allowable.

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The allowability of claims 1, 22, 25 and 28 over Fulghum was discussed above with respect to the 35 U.S.C. § 102(e) rejections and the discussion is applicable here.

None of Yang, Acker, Wong-Lam, Pringle and Zak can cure the deficiencies of Fulghum, alone or in combination. Each of claims 8 – 9, 11 – 13, 15 – 21, 23, 26 and 33 – 36 depends, directly or indirectly, from one of independent claims 1, 14, 22, 25 and 28, and includes all the features of the claim from which it depends as well as additional distinguishing features. Therefore, it is respectfully submitted that dependent claims claims 8 – 9, 11 – 13, 15 – 21, 23, 26 and 33 – 36 are likewise allowable.

In view of the above, Applicants respectfully request that the 35 USC §103(a) rejections be withdrawn.

CONCLUSION

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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